

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive December 12, 2007

Mayor Matti H. Bower Vice-Mayor Jerry Libbin Commissioner Saul Gross Commissioner Richard L. Steinberg Commissioner Edward L. Tobin Commissioner Deede Weithorn Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez City Attorney Jose Smith City Clerk Robert E. Parcher

Visit us at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items

Times based on the digital recording in the City Clerk's Office.

- PA1 Certificates of Appreciation/Max Sklar & Gary Farmer, City's First Sleepless Night.
- PA2 Certificate of Recognition/Roney Levinson, Rescuing Her Two-Year Old Sister. (Libbin)
- PA3 Proclamation/Kiwanis International, Kiwanis Family Month. (Libbin)
- PA4 Proclamation/Sister Cities Program, City of Nahariya, Israel, Mayor Jacky Sebag. (Bower)
- PA5 Certificate of Appreciation/Scott Robins, Donation to MB Police Department. (Steinberg)
- PA6 Certificate of Appreciation/David Wallack, Donation to MB Police Department. (Steinberg)
- PA7 Certificate of Appreciation/Jorge Mairena, Winner of Vote MB Essay Contest. (Steinberg)
- PA8 Certificate of Appreciation/Philip Levine, Donations to MB Police Department. (Steinberg)
- C2A Request for Approval, Purchase One (1) 2008 Truck, \$71,493.23.
- C2B Issue RFP, Prepare Consolidated Plan for Federal Funds for FY 2008/09 2012/13.
- C4A Ref: Neighborhoods/Community Affairs Committee Peace Pole Project.
- C4B Ref: Neighborhoods/Community Affairs Committee The Holocaust Memorial.
- C4C Ref: Neighborhoods/Community Affairs Committee Education Compact w/ M-DCPS.
- C4D Ref: Finance & Citywide Projects Committee Agreement for State Legislative Services.
- C4E Ref: Finance & Citywide Projects Committee Drainage Improvements on Prairie Ave. *
- C6A Report: G.O. Bond Oversight Committee Meeting on October 15, 2007.
- C6B Report: Finance & Citywide Projects Committee Meeting on October 25, 2007.
- C6C Report: Neighborhoods/Community Affairs Committee Meeting on October 30, 2007.
- C6D Report: Neighborhoods/Community Affairs Committee Meeting on November 14, 2007.
- C7A Execute Agreements w/ M-DC, Building Better Communities G.O. Bond Program.
- C7B Submit Grant Funding Requests to Various Funding Agencies.

Prepared by the City Clerk's Office

Page 1 of 38

- C7C Execute Amendment, Normandy Shores Golf Course Clubhouse.
- C7D Appropriate Funds, Reconstruction of Surface Parking Lot 5-C, West of the Fillmore.
- C7E Approve Sole Source Purchase, Regional Service Provider for Parkeon.
- C7F Set Public Hearing, Designation of Flamingo Park Historic District.
- C7G Accept Donations of \$14,000, to Purchase of Two (2) Dogs for MB Police Department.
- C7H Accept Donation of \$7,000, to Purchase a Dog for MB Police Department.
- C7I Accept Donation of (8) Model 1600 Motorcar Tint Meters for MB Police Department
- C7J Execute Agreement w/ State Attorney's Office, Criminal Prosecution of Local Violations.
- C7K Execute Agreement w/ Office of the Public Defender, Criminal Defense of Local Violations.
- C7L Adopt/Appropriate, 1st Amendment to Police Confiscation Trust Fund Budget for FY 07/08.
- C7M Approve Sole Source Purchase, Power MIS Software Upgrades for 911 Phone System.
- C7N Adopt/Appropriate, 1st Budget Amendment to Police Special Revenue Acct. for FY 07/08.
- C7O Approve Agreement w/ Arts for Learning/Miami, Arts Education Programs.
- C7P Accept Recommendation, Executive Search Consultant Recruit Bass Museum Director.
- R2A ITB 39-06/07, Migration Project Building Environmental Monitoring for MBCC.
- R5A 10:15 a.m. 2nd Rdg, Open/Cont., Amend Local Business Tax Ordinance.
- R5B 10:20 a.m. 2nd Rdg, Cultural Arts Council & Convention Center Advisory Board Ordinances.
- R5C 10:30 a.m. 2nd Rdg, Prohibit Foods w/ Artificial Trans Fat in Vending Machines. (Steinberg)
- R5D **10:31 a.m. 2nd Rdg**, Parking Rate Amendments Hybrid/ILEV Vehicle Incentives. (Steinberg)
- R5E 10:35 a.m. 2nd Rdg, Street Performers & Art Vendors Ordinance.
- R5F 10:40 a.m. 2nd Rdg, Adopt & Incorporate City's New Sidewalk Cafe Ordinance.
- R5G 11:00 a.m. 2nd Rdg, Ocean Front Height Requirements Historic Districts. 5/7
- R5H 11:00 a.m. 2nd Rdg, Ocean Front Height Requirements Architectural District. 5/7
- R5I 5:05 p.m. 1st Rdg, HD Hospital Districts Ordinances. 5/7
- R5J **10:35 a.m. 1st Rdg**, Amend Non-Profit Vending & Distribution Ordinance.
- R7A 10:50 a.m. Grant After-the-Fact Revocable Permit, Sterling Building at 901 Lincoln Road.
- R7B 11:00 a.m. Open/Cont., Consider After-the-Fact Revocable Permit, 5600 La Gorce Drive
- R7C 11:15 a.m. Approve Lease Agreement w/ MDPL, 1130 Washington Avenue.
- R7D **5:00 p.m. 2nd Rdg, Open/Cont.**, Consider Appeal of DRB Decision, Scott Rakow Youth Ctr.
- R7E **Joint**, Set Dates for the Year 2008 City Commission Meetings.
- R7F Execute LAP Agreement w/ FDOT, Construction of Dade Boulevard Bike Path.
- R7G Execute (2) LAP Agreements w/ FDOT, Construction of North Beach Recreational Corridor.
- R7H Drainage Improvements on Prairie Avenue. *(Item moved to Consent C4E)
- R9A Board & Committee Appointments.
- R9A1 Board & Committee Appointments City Commission Appointments.
- R9B1 1:30 p.m. Dr. Stanley Sutnick Citizen's Forum.
- R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9C Discuss: Freedom Tower Designation as a National Historic Landmark. (Steinberg)
- R9D 10:10 a.m. Discuss: RFP for Parking Cashiers/Attendants/Supervisors-City Parking.(Wolfson)
- R9E 10:05 a.m. Report on the Recent Miami Beach Delegation Trip to Shanghai. (Libbin)
- A City Attorney's Status Report.
- B Parking Status Report September 2007.
- B1 Parking Status Report October 2007.
- C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.
- D Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.
- E1 Minutes: MPO Governing Board Meeting on October 4, 2007. (Steinberg)
- E2 Minutes: M-DCLC Board Meeting on September 6, 2007. (Bower & Steinberg)
- 1A Report: Itemized Revenues/Expenditures of RDA's City Ctr. District & S. Pointe Sept. 2007.
- 1B Report: Itemized Revenues/Expenditures of RDA's City Ctr. District & S. Pointe Oct. 2007.
- 2A **Joint**, Set Dates for the Year 2008 RDA Meetings.

Meeting called to order at 9:37:19 a.m.

Pledge of Allegiance led by Police Chief Noriega.

Invocation given by Pastor Melissa Pisco from St. John's on the Lake.

Presentations and Awards

10:05:24 a.m.

PA1 Certificates Of Appreciation To Be Presented To Max Sklar, Tourism And Cultural Development Director And Gary Farmer, Cultural Affairs Program Manager For Their Efforts In Organizing The City's First Sleepless Night.

(City Manager's Office)

ACTION: Certificates presented.

Jorge Gonzalez, City Manager, stated that the Sleepless Night Celebration held on November 3rd exceeded all the expectations for this first-time event. This evening changed the ambiance on Miami Beach for the better. He added that the concept was done in house, in the Cultural Arts Department, on an idea based on a similar program started in France called Nuit Blanche. He explained that the Deputy Mayor of Paris was here to inaugurate the event and aside from the many participants and the media, the hotel occupancy grew by 12.5 % from last year. He recognized Max Sklar and Gary Farmer who brought for the idea for this event.

Max Sklar, Tourism and Cultural Development Director, thanked the Cultural Arts Council for their support and stated that they received hundreds of e-mails after the event commending them for its success. He announced that this event is scheduled again for November 1, 2008.

Gary Farmer, Cultural Affairs Program Manager, stated that the French Consulate for Art Basel this year printed 25,000 copies of a flyer highlighting the French artists and galleries in town, but the introduction by Raul Valdez, was all about Sleepless Night and highlights it as one of the top four cultural events of the year in Miami.

Commissioner Gross congratulated them for being able to coordinate almost 130 separate events for this night. He also recognized the Administration for a very successful Art Basel this past week and also recognized Dennis Leyva for his work.

Jorge Gonzalez, City Manager, recognized Hilda Fernandez, Assistant City Manager, and Dennis Leyva for spearheading these activities.

Vice-Mayor Libbin also commended all the departments and department directors for a job well done during Art Basel.

9:45:04 a.m.

PA2 Certificate Of Recognition To Be Presented To Roney Levinson For Rescuing Her Two-Year Old Sister From A Potential Drowning.

(Requested by Vice-Mayor Jerry Libbin)

ACTION: Certificate presented.

Vice-Mayor Libbin recognized Roney, an eight-year old girl, who performed an act of courage and bravery on November 23rd in rescuing her two year old sister from drowning in their home pool.

Fire Chief Del Favero presented a plaque honoring Roney for her vigilance and decisive quick action.

Richard McKinnon, Ocean Rescue Lifeguard, named Roney honorary Ocean Rescue Lifeguard and presented her with a T-shirt and an official whistle.

Judith Berson-Levinson spoke. Roney Levinson spoke.

Jorge Gonzalez, City Manager, added that the City of Miami Beach Parks Department offers free swimming lessons to residents, and this is a critical service to children and all who live in Miami Beach.

9:51:47 a.m.

PA3 Proclamation To Be Presented To Kiwanis International In Honor Of Kiwanis Family Month.

(Requested by Vice-Mayor Jerry Libbin)

ACTION: Proclamation presented.

Vice-Mayor Libbin recognized the Kiwanis Club and explained that this is a global organization with more than 6,000 Kiwanis families and 25 divisions in Florida and with a very active branch in Miami Beach. He introduced Maria Cruz, President of the Kiwanis Miami Beach Club and presented a proclamation proclaiming the month Kiwanis Family Month.

Maria Cruz, Kiwanis Club President, stated that this chapter was chartered in 1939 and has been very active in the community with their main mission - helping children. They have a presence in all the elementary schools in Miami Beach including St. Patrick's, Miami Beach High and the Hebrew Academy. She also added that for over 60 years they have been offering scholarships to schools.

9:40:19 a.m.

PA4 Proclamation To Be Presented To The City Of Miami Beach Sister Cities Program In Honor Of The Sister City Of Nahariya, Israel, Upon The Visit Of Honorable Mayor Jacky Sebag.

(Requested by Mayor Matti H. Bower)

ACTION: Proclamation presented.

Mayor Bower introduced and welcomed the Mayor of Nahariya.

Jack Sebag, Mayor of Nahariya, spoke with the aid of a translator, Mr. Bruce Reich, Esq. He congratulated the City Commission and explained his wishes to renew the relationship between both cities. He invited the City Commission to visit Nahariya.

Commissioner Steinberg stated that during conversations with Mayor Sebag and the group he informed him of the events going on in his City, and these events help put into perspective what the City of Miami Beach deals with as compared to other Sister Cities. He commended the Mayor for protecting the citizens and keeping Nahariya safe during the war.

9:59:41 a.m.

PA5 Certificate Of Appreciation To Be Presented To Scott Robins For His Generous Donation Of \$7,000 For The Purchase Of A Dog For The Miami Beach Police Department Patrol Division For Narcotics Detection, Seizure, Apprehension, And Arrest Of Subjects Involved In Illegal Narcotics Activity.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Certificates presented. Item heard in conjunction with items PA6, and PA8.

Commissioner Steinberg thanked the donors for their generosity and support.

Police Chief Noriega stated that thanks to these donations the Police Department Canine Unit is able to expand their capabilities. He thanked them for their support.

Scott Robins spoke.

David Wallack spoke.

9:59:41 a.m.

PA6 Certificate Of Appreciation To Be Presented To David Wallack For His Generous Donation Of \$7,000 For The Purchase Of A Dog For The Miami Beach Police Department Patrol Division For Explosive Detection.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Certificate presented. See item PA5 for comments.

9:55:23 a.m.

PA7 Certificate Of Appreciation To Be Presented To Jorge Mairena, The Winner Of The Vote Miami Beach Essay Contest.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Certificate presented.

Commissioner Steinberg explained that every year for the past few years the City has held an essay contest on Vote Miami Beach and this year Jorge, a student at Biscayne Elementary School, wrote the best essay on amendments. He read the essay.

Ms. Ortiz, teacher from Biscayne Elementary, spoke.

9:59:48 a.m.

PA8 Certificate Of Appreciation To Be Presented To Philip Levine For His Generous Donations Of \$2,000 To Be Utilized For The Construction And Upgrade Of The Miami Beach Police Department Canine Training Facility Located At Pine Tree Park And \$7,000 For The Purchase Of A Dog For The Miami Beach Police Department Patrol Division For Narcotics Detection, Seizure, Apprehension, And Arrest Of Subjects Involved In Illegal Narcotics Activity.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Certificate to be presented. See item PA5 for comments.

New Item:

10:04:39: a.m.

Bonnie Patchen presented the City Commission with her famous holiday rum cake.

New Item:

10:12: 03 a.m.

Mayor Bower announced the Blood Drive taking place today.

New Item:

Mayor Bower recognized and welcomed the new Commission and also announced that Commissioner Wolfson and his wife welcomed the arrival of Jacob, their new 8 lbs 12 oz son.

CONSENT AGENDA

ACTION: Motion made by Vice-Mayor Libbin to approve the Consent Agenda; seconded by Commissioner Gross; Voice vote: 7-0.

C2 - Competitive Bid Reports

C2A Request For Approval To Purchase One (1) 2008 International 4300M7 Truck With 21 Ft. Flat Bed Carrier, From International Truck And Engine Corporation, Pursuant To Florida State Contract No. 070-700-07-1, In The Amount Of \$71,493.23.

(Fleet Management)

ACTION: Request authorized. Drew Terpak to handle.

C2B Request For Approval To Issue A Request For Proposals (RFP) For Professional Consulting Services To Prepare A Consolidated Plan For Federal Funds For Fiscal Years 2008/09 - 2012/13. (Neighborhood Services)

ACTION: Request authorized. Gus Lopez to issue the RFP. Vivian Guzman to handle.

C4 - Commission Committee Assignments

C4A Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Peace Pole Project.

(Neighborhood Services)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Barbara Hawayek to handle.

C4B Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Assignment Of The Lease Agreement With The Holocaust Memorial Committee, Inc., For The Holocaust Memorial, To The Greater Miami Jewish Federation, Inc.

(Asset Management)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Ana Cecilia Velasco to handle.

C4C Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Education Compact Between The City Of Miami Beach And Miami-Dade County Public Schools (M-DCPS).

(City Manager's Office)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Kathie Brooks to handle.

C4D Referral To The Finance And Citywide Projects Committee - Discussion Of The Professional Services Agreement For State Legislative Services.

(Economic Development)

ACTION: Referred. Patricia Walker to place on the committee agenda. Kevin Crowder to handle.

Agenda Item R7H changed to a referral (C4E) 10:22:17 a.m.

C4E Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Construction Of Drainage Improvements On Prairie Avenue From Dade Boulevard To 23rd Street.

(Public Works)

ACTION: Referred. Patricia Walker to place on the committee agenda. Fred Beckmann to handle.

Commissioner Tobin asked if the referral will delay the plans to get the drainage project completed.

Jorge Gonzalez, City Manager, stated the design continues to be finalized but the preliminary price estimates received yesterday far exceeded what was expected. The design process; however, will continue.

City Clerk's note: See action on Agenda Item R7D (Referral of Par-3 Golf Course, Triangle, and drainage to a joint meeting of the LUDC and the FCWPC).

C6 - Commission Committee Reports

C6A Report Of The G.O. Bond Oversight Committee Meeting On October 15, 2007: 1) Project Status Report: A. Update On Fire Station No. 2; 2) Project Status Report - Middle Beach Projects Funded Through G.O. Bonds; And 3) Project Status Report - Projects Currently In Construction Funded Through G.O. Bonds.

Item No. 1:

This project is close to completion.

Item No. 2:

Project status reports for all G.O. Bond-funded projects were presented in the agenda packet. Not all projects were discussed. Jorge Cano, Assistant Director of CIP, presented and fielded questions.

Item No. 3:

Project status reports for all G.O. Bond-funded projects were presented in the agenda packet. Not all projects were discussed.

CITY COMMISSION ACTION: Written report submitted.

C6B Report Of The Finance And Citywide Projects Committee Meeting On October 25, 2007: 1) Discussion Regarding Article IV, Resort Tax, To Encourage That The Resort Tax Be Both Filed And Paid On-Line; 2) Discussion Of South Pointe Pier Cost Benefit Options; And 3) Discussion Regarding Review Of City Code Chapter 102 Related To Local Business Tax And Schedule Of Taxes.

Item No. 1:

The Committee agreed that all Resort Tax must be filed and paid online. Any manual filing and payment transactions will be assed a \$25.00 processing fee. Large business will have one month to comply and small business's three months to comply with the mandatory online filing requirement. City Clerk's note: Patricia Walker to handle.

Item No. 2:

The committee recommended forwarding the item to Commission for review of Alternative Two as presented by Hargreaves Associates, Inc. consisting of the complete repair of the South Pointe Pier within its original footprint and building a connecting walkway between the east end of the pier and the jetty.

City Clerk's note: Jorge Chartrand to handle.

Item No. 3:

The Committee requested that the Finance and Planning Department review the Local Business Tax and Schedule of Taxes item and update the ordinance for clarity and bring the item back to the Committee. The update shall also include separate modified categories with definitions for dancehall and entertainment establishments.

City Clerk's note: Patricia Walker and Jorge Gomez to handle.

CITY COMMISSION ACTION: Written report submitted.

C6C Report Of The Neighborhoods/Community Affairs Committee Meeting On October 30, 2007: **1)**Discussion Regarding North Bay Road And 23rd Street Park; And **2)** Discussion Regarding Renaming Of The North Shore Youth Center.

Item No. 1:

The committee moved to have staff assess the property to see how it can be cleaned up and come back to the Neighborhoods/Community Affairs Committee with some component prices.

City Clerk's note: Kevin Smith to handle.

Item No. 2:

The committee moved to recommend the renaming of the North Shore Youth Center after Joe and Flora Fontana and to discuss the option of naming an interior portion of the facility.

City Clerk's note: Kevin Smith to handle.

CITY COMMISSION ACTION: Written report submitted and amended. Amendment: Vice-Mayor Libbin was not present at this meeting.

C6D Report Of The Neighborhoods/Community Affairs Committee Meeting November 14, 2007: 1) Discussion Regarding Legislation Proposed By LaGorce Neighbors; 2) Discussion Regarding An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals" By Amending Sections 10-1 Through 10-16; Providing For Repealer, Severability, Codification, And An Effective Date; 3) Discussion Regarding Designated Parking For Yellow Cabs On Bay Road; And 4) Discussion Regarding Amending Of Article III Entitled "Non-Profit Vending And Distribution" By Amending Section 86-146, Entitled "Hours Of Operation."

Item No. 1:

No action was taken by the committee.

Item No. 2:

The committee moved to liberalize this section of the code to the extent necessary with a recommendation to the manager to see what policies and what contracts would have to be modified so the ability would be there to delegate the authority beyond the code officer to the security guard allowing them to appear at Special Master.

City Clerk's note: Vivian Guzman and Legal to handle.

Item No. 3:

The committee moved to have staff to reach out to the Grand Flamingo to see about relocating the taxi stand to inside their property.

City Clerk's note: Saul Frances to handle.

Item No. 4:

The committee moved to approve the item and move it to first reading with the city commission. City Clerk's note: See Agenda Item R5J.

CITY COMMISSION ACTION: Written report submitted and amended.

Amendment: Item Number 1 - Judge Yvonne Fernandez should be Ivan Fernandez.

C7 - Resolutions

C7A A Resolution Authorizing The City Manager To Execute The Following Agreements With Miami-Dade County, For Funding From The Building Better Communities General Obligation Bond Program: 1) Lummus Park, In The Amount Of \$7,000,000; And, 2) South Pointe Park In The Amount Of \$5,000,000; Further Authorizing The City Manager To Execute Any And All Other Necessary Documents Related To These Agreements.

(Budget & Performance Improvement)

ACTION: Resolution No. 2007-26711 adopted. Kathie Brooks to handle.

A Resolution Authorizing The City Manager Or His Designee Approval To Submit The Following Grant Funding Requests: 1) Retroactive Approval For A Miami-Dade County Tourist Development Council Application For Funding In An Amount Not To Exceed \$15,000 For The City's Festival Of The Arts; 2) Retroactive Approval For A Miami-Dade County Community Grants Program Application For Funding In An Amount Not To Exceed \$10,000 For The City's Festival Of The Arts; 3) Miami-Dade County Homeless Trust For Funding In The Amount Of \$63,993 For The Supportive Housing Program Grant; 4)Miami-Dade County For Funding In An Amount Not To Exceed \$12,500 For Emergency Hotel/Motel Funding; And, 5) Emergency Food And Shelter Program For Funding For Food Vouchers And Emergency Shelter; Further Appropriating All The Above Grants And Matching Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To These Applications By The City Manager Or His Designee.

(Budget & Performance Improvement)

ACTION: Resolution No. 2007-26712 adopted. Patricia Walker to appropriate the grants and matching funds. Kathie Brooks to handle.

10:23:56 a.m.

C7C Structural Design/Pre-Construction Services - Normandy Shores Golf Course Clubhouse

A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 3 To The Existing Agreement With Architeknics, Inc., For Additional Structural Design Services At The Normandy Shores Golf Course Clubhouse, In An Amount Not To Exceed \$102,500; Using Funds In The Capital Reserve Fund 304, Previously Appropriated In The Fiscal Year 2007/2008 Capital Budget.

ACTION: Item separated for discussion by Commissioner Tobin. Item referred. Motion made by Commissioner Tobin to refer to the Finance and Citywide Projects Committee to determine, within 30-days, if it is in the City's best interest to continue with the rehabilitation of the clubhouse or building a new one; seconded by Commissioner Wolfson; Voice vote: 6-1; Opposed: Commissioner Gross. **Patricia Walker to place on the committee agenda and to handle. Jorge Chartrand to handle.**

Commissioner Tobin stated that a previous decision had been made to renovate the clubhouse and during the renovation a number of structural problems were discovered and the renovations are not going to be as cost effective as originally anticipated. After speaking with the City Manager, he would like to refer the item to a committee to determine, based on the new information, if it is still best to proceed with the renovation or build a new structure. This can be done without delaying the golf course progress.

Vice-Mayor Libbin stated that he has no objections to the referral and based on the new information it should be reviewed.

Commissioner Gross stated that he does not like delaying construction projects since they take so long to build. The idea of building a new building could create a couple of years delay because of redesigning, the bidding process, and a public process, etc.

Jorge Gonzalez, City Manager, stated that there will be a trailer for the clubhouse while the work is being done, the golf course can be opened but they will have to use the trailer until the clubhouse is completed. A new clubhouse is at least an 18-month process.

Vice-Mayor Libbin stated that it does not hurt to reassess the project based on the new information; however, if a decision is made to construct a new facility, he feels it is not necessary to go back to the community for input, just reconstruct what was there so the project is not delayed.

Motion made by Commissioner Tobin to refer to the Finance and Citywide Projects Committee

to determine, within 30-days, if it is in the City's best interest to continue with the rehabilitation of the clubhouse or building a new one; seconded by Commissioner Wolfson. The discussion continued.

Jorge Gonzalez, City Manager, clarified that the action taken is a referral and based on the Committee's decision, an item will be placed on the January agenda.

2. A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 3 To The Existing Agreement With Coastal Construction Company, For Additional Pre-Construction Services At The Normandy Shores Golf Course Clubhouse, In An Amount Not To Exceed \$45,860; Using Funds In The Capital Reserve Fund 304, Previously Appropriated In The Fiscal Year 2007/2008 Capital Budget.

(Capital Improvement Projects)

ACTION: See action above.

Handout or Reference Materials

- 1. Exhibit 1 Color copy of structural problems at the Normandy Shores Golf Course Clubhouse
- A Resolution Approving And Authorizing The Appropriation Of Funds From Parking Operations Fund 480, In The Amount Of \$540,011, For Additional Work Scope And Associated Fees Necessary To Complete The Reconstruction Of Surface Parking Lot 5-C, Located West of The Fillmore Miami Beach Theater.

(Capital Improvement Projects)

ACTION: Resolution No. 2007-26713 adopted. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

C7E A Resolution Approving Pursuant To Section 2-367(D) Of The Miami Beach City Code, The Sole Source Purchase Of A Maintenance And Service Agreement, Which Is A Unique Propriety Service For The Parkeon Model Dg Classic Pay Station, From Bytewise Solutions, Inc., The Regional Service Provider For Parkeon, In The Estimated Amount Of \$210,000.

(Parking Department)

ACTION: Resolution No. 2007-26714 adopted. Saul Frances to handle.

C7F A Resolution Setting A Public Hearing To Consider The Proposed Designation Of The Flamingo Park Historic District Westward Expansion By Amending The Land Development Regulations Of The City Code By Amending Chapter 118, "Administration And Review Procedures," Division 4, "Designation," Section 118-593, By Expanding The Boundaries Of The Flamingo Park Historic District To Add The Flamingo Park Historic District Westward Expansion, As More Particularly Described Herein; Providing That The City's Zoning Map Shall Be Amended To Include The Flamingo Park Historic District Westward Expansion; Adopting The Designation Report Attached Hereto As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code, Repealer, Severability, And An Effective Date.

(Planning Department)

ACTION: Resolution No. 2007-26715 adopted. Public hearing scheduled for January 16, 2008. Robert Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Jorge Gomez to handle.

C7G A Resolution Accepting A Donation Of \$7,000.00 From Mr. Philip Levine, And \$7,000.00 From Mr. Scott Robins, For A Total Of \$14,000.00 For The Purchase Of Two (2) Dogs To Be Utilized By The Miami Beach Police Department Patrol Division For Narcotics Detection, Seizure, Apprehension, And Arrest Of Subjects Involved In Illegal Narcotics Activity.

(Police Department)

ACTION: Resolution No. 2007-26716 adopted. Chief Noriega to handle.

C7H A Resolution Accepting A Donation Of \$7,000 From Mr. David Wallack To Purchase A Dog To Be Utilized By The Miami Beach Police Department Patrol Division For Explosive Detection.

(Police Department)

ACTION: Resolution No. 2007-26717 adopted. Chief Noriega to handle.

C7I A Resolution Accepting A Donation Of Eight (8) Model 1600 Motorcar Tint Meters From The Florida Department Of Transportation For A Total Value Of \$624.00, To Utilized By The Miami Beach Police Department To Enforce State Window Sunscreening/Tinting Traffic Statutes On The Roadways Of The City Of Miami Beach.

(Police Department)

ACTION: Resolution No. 2007-26718 adopted. Chief Noriega to handle.

10:40:01 a.m.

C7J A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute A Professional Services Agreement Between The City And The State Attorney's Office For The Eleventh Judicial Circuit In And For Miami-Dade County, Florida For Criminal Prosecution Of Local Code And Ordinance Violations.

(Police Department)

ACTION: Item separated for discussion by Commissioner Tobin. Resolution No. 2007-26719 adopted and the Agreement amended. Approved via Consent Agenda. Chief Noriega to handle.

Amendment:

Payment schedule changed from 10-days to 30-days.

End

C7K A Resolution Authorizing The Mayor Or His Designee, And The City Clerk To Execute A Professional Services Agreement Between The City Of Miami Beach, Florida And Office Of The Public Defender For The Eleventh Judicial Circuit In And For Miami-Dade County, Florida For Criminal Defense Of Local Code And Ordinance Violations.

(Police Department)

ACTION: Resolution No. 2007-26720 adopted. Chief Noriega to handle.

C7L A Resolution Adopting And Appropriating The First Amendment To The Police Confiscation Trust Fund Budget For The Fiscal Year 2007/08 In The Amount Of \$73,890 To Be Funded From The Proceeds Of State Confiscated Funds.

(Police Department)

ACTION: Resolution No. 2007-26721 adopted. Patricia Walker to appropriate the funds. Chief Noriega to handle.

C7M A Resolution Approving, Pursuant To Section 2-367 (D) Of The Miami Beach City Code, The Sole Source Purchase And Installation Of Power MIS Software Upgrades For The 911 Phone System, From Positron Public Safety Systems, In The Amount Of \$28,832.12.

(Information Technology)

ACTION: Resolution No. 2007-26722 adopted. Gladys Acosta to handle.

C7N A Resolution Adopting And Appropriating The First Budget Amendment To The Police Special Revenue Account For Fiscal Year 2007/08 In The Amount Of \$17,600, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue - Account.

(Police Department)

ACTION: Resolution No. 2007-26723 adopted. Patricia Walker to appropriate the funds. Chief Noriega to handle.

C7O A Resolution Approving A Professional Services Agreement With Arts For Learning/Miami, A Not-For-Profit Corporation, For Arts Education Programs At Various City Schools, Parks, And Day Care Centers (As Determined By The City Administration) For Fiscal Year 2007/2008 (October 1, 2007 Through September 30, 2008), In The Amount Of \$105,000, With The Option, At The City's Sole Discretion, To Extend Said Professional Services Agreement For Two Additional Years.

(Tourism & Cultural Development)

ACTION: Resolution No. 2007-26724 adopted. Max Sklar to handle.

C7P A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To A Request For Letters Of Interest (RFLI) For The Selection Of An Executive Search Consultant For The Recruitment Of The Executive Director Of The Bass Museum Of Art; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Management Consultants For The Arts; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Firm, Authorizing Negotiations With The Second-Ranked Firm Of Museum Search & Reference; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Tourism & Cultural Development)

ACTION: Resolution No. 2007-26725 adopted. Max Sklar to handle.

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

10:19:19 a.m.

R2A Request For Approval To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 39-06/07, Migration Project For Building Environmental Monitoring And Control System For The Miami Beach Convention Center, To Thermal Concepts, Inc. In The Amount Of \$1,110,000; And Further A Resolution Authorizing The Use Of Savings Resulting From The Award Of This Contract To Be Re-Appropriated For The Convention Center Airwall Project Included In Fiscal Year 2007/08 Capital Budget, Which Was Previously Authorized To Fund Emergency Repairs To The Hall B Electrical Buss Duct.

(Tourism & Cultural Development)

ACTION: Jorge Gonzalez, City Manager, stated that the City received a timely bid protest yesterday evening and the Administration will need more time to review the protest and requested the item be deferred until the January 16, 2008 Commission Meeting. **Lilia Cardillo to place on the Commission Agenda. Max Sklar to handle.**

R5 - Ordinances

3:17:27 p.m.

An Ordinance Amending Miami Beach City Code Chapter 102, Entitled "Taxation;" By Amending Article V, Therein, Entitled "Local Business Tax;" Amending Section 102-379, Therein, Entitled "Schedule Of Taxes," By Adding Additional Business Tax Receipt Codes And Clarifying Language; Providing For Severability, Codification, And An Effective Date. 10:15 a.m. Second Reading Public Hearing.

(Finance Department)
(Continued from October 17, 2007)

ACTION: Public Hearing Opened and Continued to February 13, 2008 at 10:15 a.m., by acclamation. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to handle.

3:18:12 p.m.

R5B Cultural Arts Council & Convention Center Advisory Board Ordinances

1. An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Florida, Entitled "Administration," By Amending Article III Thereof, Entitled "Agencies, Boards And Committees," By Amending Division 6 Thereof, Entitled "Cultural Arts Council," By Amending Section 2-58; And Creating New Sections 2-58(A) And 2-58(B); Said Amendments Related To Assigning The Powers And Duties Of The Community Benefit Fund To The Cultural Arts Council; Providing For Repealer, Severability, Codification And An Effective Date. 10:20 a.m. Second Reading Public Hearing

ACTION: Public Hearing held. Ordinance No. 2007-3583 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Libbin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Max Sklar to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 463

3:19:15 p.m.

2. An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Florida, Entitled "Administration," By Amending Article III Thereof, Entitled "Agencies, Boards And Committees," By Amending Division 5 Thereof, Entitled "Convention Center Advisory Board," By Amending Sections 2-46(B) And 2-46(C)(1) And 2-46(C)(9) And 2-46(F); Said Amendments Related To Removing The Community Benefit Fund And The Jackie Gleason Theater From Powers And Duties Of The Convention Center Advisory Board; Providing For Repealer, Severability, Codification And An Effective Date. 10:20 a.m. Second Reading Public Hearing

(Tourism & Cultural Development) (First Reading on October 17, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3584 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Libbin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Max Sklar to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 463

3:20:34 p.m.

An Ordinance Amending Chapter 82 Of The Miami Beach City Code, Entitled "Public Property," By Amending Article I, Entitled "In General," By Amending Section 82-4 – 82-5, Entitled "Reserved," By Amending Section 82-4 To Prohibit Foods Containing Artificial Trans Fat In Vending Machines On City Property That Are Not Subject To A City Management Agreement; Providing For Repealer, Severability, Codification, And An Effective Date. 10:30 a.m. Second Reading Public Hearing (Requested by Commissioner Richard L. Steinberg/City Attorney's Office) (First Reading on October 17, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3585 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Libbin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Ana Cecilia Velasco to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 463

Prepared by the City Clerk's Office Page 17 of 38 M:\\$CMB\CITYCLER\AFTERACT\2007\Afteractions\12122007\aa12122007.doc

3:21:34 p.m.

R5D Parking Rate Ordinance Amendments - Hybrid/ILEV Vehicle Incentives

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, "Traffic And Vehicles" Article II, "Metered Parking" By Amending Sections 106-55, "Parking Rates, Fees, And Penalties; Creating A New Subsection (N) Therein Entitled "Hybrid/ILEV (Inherently Low Emissions Vehicles) Vehicles Incentives;" Providing For Repealer, Severability, And An Effective Date.

10:31 a.m. Second Reading Public Hearing.

(Requested by Commissioner Richard L. Steinberg/Parking Department)
(First Reading on October 17, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3586 adopted as amended. Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Saul Frances to handle.**

Amendment:

Commissioner Steinberg requested that this be a pilot program for one year with examination of the program in nine months.

End

Vice-Mayor Libbin commended Commissioner Steinberg on this great initiative because anything that enhances lowering emissions or makes the city greener is a great thing.

Commissioner Steinberg stated that this is the first city in the State of Florida, and seventh in the country to enact parking incentives. It is in the best interest of our community to do what we can to help offset global warming.

Jorge Gonzalez, City Manager, stated that this is a pilot project and the ordinance does not specify this, so language should be added to the ordinance to indicate that it is a pilot project.

Commissioner Steinberg requested an amendment to the ordinance that this be a pilot program for one year with examination of the program in nine months.

Commissioner Gross asked how many spaces is 1% and Saul Frances responded that it is six spaces. He requested a little flexibility when people are not using the spaces since there are buildings on 41stSreet who could use the parking in the garage. **Saul Frances to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 463

1:34:44 p.m.

D5E An /

An Ordinance Amending Miami Beach City Code Chapter 18 Entitled "Businesses," Article XV Thereof, Entitled "Street Performers And Art Vendors" By Amending Code Sections 18-901 Through And Including 18-910 So As To Authorize Street Performers And Artist Vendors To Use Portable Tables On Ocean Drive Following Receipt Of A Permit Subject To Certain Conditions And Permit Fees; Prohibiting Spray Painting And Airbrushing; Providing Definitions, Setting Forth Terms, Conditions And Regulations For Permits Issued To Street Performers And Artist Vendors; Providing For Enforcement, Suspension Or Revocation; Providing For Repealer, Severability, Codification, And An Effective Date. 10:35 a.m. Second Reading Public Hearing.

(Neighborhoods Services)
(First Reading on October 17, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3587 adopted as amended. Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Vivian Guzman to handle.**

Amendment:

Vice-Mayor Libbin requested no zones be added without City Commission approval. Sec. 18-905 1(d).

End

Hilda Fernandez, Assistant City Manager, explained the ordinance and requested that all testimony given at the Neighborhood/Community Affairs Committee meeting, as well as the testimony during the first reading, and the testimony of this meeting today be included into the record.

Motion made by Commissioner Steinberg to incorporate the testimony into the record; seconded by Vice-Mayor Libbin; Voice vote: 7-0.

A PowerPoint Presentation was shown.

Sgt. Tony Lamacchio, Miami Beach Police Department, stated that he can confirm the pictures showed in the PowerPoint presentation. He gave an overview of what he has observed.

Eric Yuhr, Assistant Fire Chief, gave an overview of what he has observed and the Fire Department's concerns.

Vivian Guzman, Neighborhood Services Department Director, gave an overview of what she and her staff have observed and stated her concerns.

David Wallack spoke.

Randie Hofer spoke.

Cosma Flores spoke.

Jeffrey Beal spoke.

Harry Cherry spoke.

David Possin spoke.

Alex Tachmes, representing the Ocean Drive Association, spoke and referenced the Ocean Drive Associate's resolution.

Commissioner Steinberg incorporated the Ocean Drive Association resolution into the record.

Mark Weiser spoke.

Mariano Filippelli spoke.

Teresa del Solar spoke.

Juan Marin spoke in Spanish and Yvonne Sepulveda from the Mayor's office translated to English.

Prepared by the City Clerk's Office

Page 19 of 38

M:\\$CMB\CITYCLER\AFTERACT\2007\Afteractions\12122007\aa12122007.doc

Le Hung spoke. Kathy Estrola spoke. Mark Hersey spoke. Enrique Rosas spoke. Oliver Nikolich spoke.

Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn.

Vice-Mayor Libbin requested to amend the ordinance that no additional zones be added without City Commission approval as recommended by the Ocean Drive Association. He also stated that it seems logical that a resident should have an advantage over those individuals who are not residents and are seasonal performers/artists.

Jose Smith, City Attorney, stated that it is logical, but it may not be constitutional.

Sheri Sack, First Assistant City Attorney, responded to Vice-Mayor Libbin's question but stated that the Legal Department will research. **City Attorney's Office to handle.**

Handout or Reference Materials:

- 1. Ad in The Miami Herald Ad # 463
- 2. Resolution from the Ocean Drive Improvement Association, Inc.
- 3. Email from Alexander I. Tachmes to Mayor and City Commission, dated December 11, 2007 transmitting the Ocean Drive Improvement Association, Inc. Resolution
- 4. Juan Marin submitted brochures, rules and application from San Francisco Street Artists or craftsperson
- 5. Email to Jose Smith from Robert Parcher RE: Street Performer Ord on Ocean Drive
- 6. Copy of City of Miami Beach Complaint No. CO8000575 from Mariano Filippelli
- 7. List of speakers

10:52:09 a.m.

R5F

An Ordinance Deleting The Language In Sections 82-366 Through 82-388 (The City's Sidewalk Cafe Ordinance) In Its Entirety, And Replacing It With New Language In Said Sections 82-366 Through 82-385, Adopting And Incorporating The City's New Sidewalk Cafe Ordinance; Providing For Repealer, Codification, Severability, And An Effective Date. 10:40 a.m. Second Reading Public Hearing (Public Works)

(First Reading on October 17, 2007)

ACTION: Public Hearing held. Final vote on Ordinance No. 2007-3590 adopted as amended; see actions below. Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Fred Beckmann to handle.

Amendments:

Motion #1

Commissioner Tobin made a motion that there will be no storage of tables and chairs in the public right-of-way, unless the restaurant sets up and is open for breakfast/lunch not later than 11 a.m.; seconded by Vice-Mayor Libbin; Voice-vote: 7-0. This amendment will be included in the revised ordinance.

Motion #2

Commissioner Tobin made a motion that there will be no further food displayed in the public right-of-way; seconded by Vice-Mayor Libbin, Voice-vote: 7-0. This amendment will be included in the revised ordinance.

Motion #3

Vice-Mayor Libbin made a motion that the 50% rule be monitored. Consideration of the 50% rule amendment was deferred and may come back to be revisited.

Motion #4

Motion made by Commissioner Steinberg to add language from Section 82-384 (b)(2) (V) "the City Manager *shall* solicit input from businesses and property owners" and removing "at his sole option and discretion"; seconded by Vice-Mayor Libbin; Voice-vote: 7-0. This amendment will be included in the revised ordinance.

Motion #5

Motion made by Vice-Mayor Libbin (Agenda page 285) simply make the fees pro-rated from whatever month the license is issued; seconded by Commissioner Gross; Voice vote 7-0. Approved without objections.

Motion #6

Motion made by Vice-Mayor Libbin (Agenda page 291 last sentence – if a sidewalk café is not open for business before 11:00 a.m., planters must be stored against the wall of the front of the primary establishment) to change language to keep it consistent to conform to the tables, chairs language – see motion #1. Approved without objections.

Motion #7

Motion made by Vice-Mayor Libbin (Agenda page 292 (aa) wants staff to research and find an alternative before the code is modified). Suggested removing the language regarding heaters "must be stored at an off-site facility proposed designed for that purpose." Approved with no objections. This issue was referred to the Neighborhoods/Community Affairs Committee. Vivian Guzman to place on the committee agenda. Fred Beckmann to handle.

Action item:

Administration to look into changing the 12 ft. pedestrian path to something larger with some flexibility Prepared by the City Clerk's Office Page 21 of 38

with the use of the centerline and make sure there are corridors both east/west and north/south. Issue referred to the Neighborhoods/Community Affairs Committee. Vivian Guzman to place on the committee agenda. Fred Beckmann to handle.

Motion #8

Motion made by Commissioner Gross to change the "extreme hardship" rule. It should be based that at the City Manager/designee discretion on the ability for people to walk comfortably from one side of the mall and across, and if the conditions are met, crossing the centerline should not be a problem; The City Manager/designee needs to have flexibility; seconded by Commissioner Weithorn. Approved without objections and accepted by Commissioner Steinberg. the maker of the motion.

Action Item.

Commissioner Gross suggested when a business is not operating, to reserve the sidewalk in front of the business for a period of six months after the license expires, at which time the property owner would have to renew. Approved without objection. **Fred Beckmann to handle.**

Motion #9

Commissioner Tobin suggested adding to the City Manager criteria in Section 82-384, page 287, section 7 which states "the City Manager/designee can consider any history of violations or warnings pursuant to section 82.371," in making decisions when making and renewing licenses. Approved without objection.

Motion #10

Motion made by Commissioner Steinberg to reconsider the vote on the ordinance; seconded by Commissioner Gross; Voice vote: 7-0.

Motion #11

Motion made by Commissioner Steinberg to approve the ordinance as amended previously and in addition, to delete the requirement that planters need to be removed if a business is not open for lunch; seconded by Commissioner Gross; Ballot vote: 7-0.

End

Victor Deutsch spoke.

David Kelsey spoke.

Michele Merco, Pelican Hotel, spoke.

David Wallack spoke.

There was a discussion regarding portable heaters and Sonia Machen, Fire Marshall, stated that the language on the portable heaters was omitted on the first reading and it needs to be included. It is not safe to leave unattended heaters in the public area overnight.

Mark Soyka spoke.

Tim Svec spoke.

Frank Kruszewski spoke.

Jay Egilmez spoke.

Ellen Marchman spoke.

Bill Pelzar spoke.

Herbert Hofa spoke.

Mario Cader-Frech spoke.

Ernesto Arguello spoke.

Don Worth spoke.

Nicholas Bacigalupo, Van Dyke Café, spoke.

Ray Breslin spoke.

Thelma Deutsch spoke.

Prepared by the City Clerk's Office Page 22 of 38 M:\\$CMB\CITYCLER\AFTERACT\2007\Afteractions\12122007\aa12122007.doc

Heather Urban spoke.

Sherna Brody spoke.

Mark Soyka spoke.

Susan Tiffany, Pizza Rustica, spoke.

Pino Piroso, Pizza Rustica, spoke.

Jeff Weinstein spoke.

Bill Farkas, MDPL, spoke.

Stanley Shapiro spoke.

Fredric Carlton spoke.

Lyle Stern spoke.

Former City Commissioner Nancy Liebman spoke.

Alfredo Gonzalez Esq., spoke.

Robert Wennett spoke.

Graziano Sbroggio spoke.

Former Ambassador Paul Cejas spoke.

Jackie Mansfield spoke.

Fred Beckmann, Public Works Director, explained that if there is a request to expand the usage area which is in-front of another business, the current process requires an affidavit indicating the property owner of the area is okay with the expansion. The revised ordinance takes the authority of authorizing the expansion from the property owner and gives the authority to the City since it is City property. The ordinance also provides clear criteria on how the decision will be made. The criteria is: a) pedestrian access (maintaining ten feet distance separation for pedestrian access; five foot setback from any seating area); b) visibility in front of the adjacent businesses; c) not allowing obstruction or accessibility; and d) the ordinance states "the city manager, at his sole option and discretion may solicit input from businesses and property owners on the same block" but City always will discuss with property owners and adjacent business owners.

Jorge Gonzalez, City Manager, suggested changing the "may" to "shall solicit that input."

Raul Aguila, First Assistant City Attorney, explained that the reason of authorizing the expansion was taken from the property owner and given back to the City is because it is City property and historically there have been several instances where property owners were selling the rights to sidewalk café frontage in front of their stores. This solves what was a rather serious issue.

12:50:33 p.m.

Individual amendments were made to the ordinance.

Commissioner Steinberg moved the ordinance with the amendments; seconded by Vice-Mayor Libbin.

Thelma Deutsch asked about the planters in front of her business, Zeke's Road House; the planters are very heavy and because she is not open for lunch they would have to be moved.

There was discussion to leave the planters and amend the ordinance.

Motion made by Commissioner Steinberg to reconsider the vote on the ordinance; seconded by Commissioner Gross; Voice vote: 7-0.

Motion made by Commissioner Steinberg to approve the ordinance as amended previously and in addition, to delete the requirement that planters need to be removed if a business is not open for lunch; seconded by Commissioner Gross; Ballot vote: 7-0.

David Kelsey spoke.

Jorge Gonzalez, City Manager, stated that there is no license or vested rights. There is a permit, the permit can be transferred to a new owner and the new owner needs to renew the permit.

Handout or Reference Materials

- 1. Color photographs of sidewalk café area showing storage of chairs and portable heaters
- 2. Signed letter to City of Miami Beach City Commission from Kimley-Horn and Associates, Inc., representatives RE: Support for Lincoln Road Ordinance limiting sidewalk cafes with letter attached from Max T. Holtzman.
- 3. List of Lincoln Road Mall Space Analysis by Public Works Department dated 9/11/2007.
- 4. Email from Fred Beckmann to Ben Torter, ben@miamisunpost.com, RE: Sidewalk Café Ordinance

3:27:59 p.m.

R5G Ocean Front Height Requirements - Historic Districts

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," By Amending Division 3, "Residential Multifamily Districts," By Amending Subdivision V, "RM-3 Residential Multifamily High Intensity," To Modify The Maximum Building Height Requirements For Oceanfront Properties Located In Historic Districts; Providing For Repealer, Codification, Severability, Applicability And An Effective Date. 11:00 a.m. Second Reading Public Hearing (Planning Department)

(First Reading on October 17, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3588 adopted as amended by the ordinance distributed on the dais and the amendments made on the floor. Motion made by Commissioner Steinberg; seconded by Commissioner Wolfson; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Jorge Gomez to handle.

Amendments:

- 1) Amendments made to the Applicability Section (section 5) via the revised ordinance
- 2) Amendment made on the floor:
 - A) Change "Existing Structures" to "Existing and surrounding Structures."
 - B) In the Applicability Section to change the April 1, 2008 to May 1, 2008.

End

Jorge Gomez, Planning Director, distributed a revised version of the ordinance.

Tom Mooney, Historic Preservation Manager, explained the revised ordinance and the modifications.

Jorge Macropulos spoke.

Handout or Reference Materials:

- 1. Ad in The Miami Herald Ad # 463
- 2. Ocean Front Height Requirement Historic Districts Ordinance Draft

3:38:56 p.m.

R5H Ocean Front Height Requirements - Architectural District

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," By Amending Division 3, "Residential Multifamily Districts," By Amending Subdivision V, "RM-3 Residential Multifamily High Intensity," To Modify The Maximum Building Height Requirements For Properties Located In The Architectural District; Providing For Repealer, Codification, Severability And An Effective Date. 11:00 a.m. Second Reading Public Hearing.

(Planning Department) (First Reading on October 17, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3589 adopted as amended. Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

Amendment:

The proposed addition shall be for hotel units only. A restrictive covenant, running with the land, or other similar instrument enforceable against the owner(s), acceptable to and approved as to form by the City Attorney, shall be required to ensure that the units remain as hotel units for a minimum of 30 years. If the applicant is unable to provide such a covenant, this requirement may be waived by the City Manager if it is demonstrated that the project provides an extraordinary public benefit to the surrounding area.

End

Robert Parcher, City Clerk, read the Administration Version of the Ordinance into the record.

Jorge Gomez, Planning Director, introduced the ordinance.

Lucia Dougherty Esq. spoke.

Motion made by Commissioner Steinberg to amended ordinance; seconded by Commissioner Gross.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 463

5:25:46 p.m.

R5I HD Hospital Districts Ordinances

Administration Recommendation:

1. HD Hospital District Amendment

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Section 114-1, "Definitions;" Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 10, "HD Hospital District," By Adding New Section 142-455 "Special Use Regulations," Providing Criteria For Permitting Certain Hospital Accessory Uses Independent Of The Main Hospital Use And Regulations Following Demolition Of Hospital Structures; Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 10, "HD Hospital District," By Adding New Section 142-456, "Rezoning Of HD District," Providing Procedures And Standards For Rezoning; Providing For Repealer, Codification, Severability And An Effective Date.

5:05 p.m. First Reading Public Hearing

ACTION: Public Hearing held. Administration's version of the Ordinance approved on First Reading as amended. Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Ballot vote: 7-0. Second Reading and Public hearing scheduled for January 16, 2008. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Jorge Gomez to handle.**

Amendments:

- 1. Revised ordinance distributed on the dais.
- 2. Add the same language in Section 142-455(4) to Section 142-456 as item (C): "Any building existing on the property may be adaptively reused consistent with subsection (1) above, while retaining existing nonconforming height, setbacks, floor area ration and off-street parking, regardless whether the rehabilitation exceed 50% of the value determination, provided that the repaired or rehabilitated building shall be subject to the regulations in subsection 118-395 (b) (1) a.- d."
- 3. Amend Section 142-455 (1) d. <u>Medical educational</u>, research and diagnostic facilities End

Gabrielle Redfern suggested adding "community enrichment" to the list of accessory uses. Henry Lowenstein spoke.

Colleen Martin spoke.

Burton Hutman spoke.

Morton Furst spoke.

Jeff Cohen spoke.

Jorge Bustamante spoke.

Ariel Furst spoke.

Paul Kress, President of the Nautilus area Home Owners Association, spoke.

Lily Furst spoke.

Russell Galbut spoke.

Sy Eisenberg spoke.

Laurence Moser spoke.

Hal Stern spoke.

Motion made by Commissioner Steinberg to adopt the Administration's Version of the ordinance; seconded by Commissioner Gross.

Planning Board Recommendations:

2. HD Hospital District Rezoning

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Section 114-1, "Definitions;" Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 10, "HD Hospital District," By Adding New Section 142-456, "Rezoning Of HDD District," Providing Procedures And Standards For Rezoning, Providing For Repealer, Codification, Severability And An Effective Date. **5:05 p.m. First Reading Public Hearing**

ACTION: See action taken on item 1 above.

3. HD Hospital District Amendment - Special Use Regulations An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 10, "HD Hospital District," By Adding New Section 142-455 "Special Use Regulations," Providing Criteria For Permitting Certain Hospital Accessory Uses Independent Of The Main Hospital Use, And Regulations Following Demolition Of Hospital

Structures; Providing For Repealer, Codification, Severability And An Effective Date.

5:05 p.m. First Reading Public Hearing

(Planning Department)

ACTION: See action taken on item 1 above.

Handout or Reference Materials:

- 1. Ad in The Miami Herald Ad # 461
- 2. Color copy of a PowerPoint documents titled: Hospital Districts City Commission December 12, 2007
- 3. Language for amending 142-455(3)

2:41:30 p.m.

An Ordinance Amending Miami Beach City Code Chapter 86 Entitled "Sales," Article III Thereof Entitled "Non-Profit Vending And Distribution" By Amending Section 86-146 Entitled "Hours Of Operation" So As To Increase The Allowable Hours Of Operation, Amending Section 86-148 Regarding Penalties To Establish Applicable Penalty For Non-Permit Holders And Creating Code Sections 86-149 And 86-150 To Establish Penalties For Permit Holders; Providing For Repealer, Severability, Codification And An Effective Date. First Reading.

(Neighborhood Services)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Gross; seconded by Vice-Mayor Libbin; Ballot vote: 7-0. Second Reading and Public hearing scheduled for January 16, 2008. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Vivian Guzman to handle.**

Hilda Fernandez, Assistant City Manager, explained the ordinance.

R7 - Resolutions

3:16:00 p.m.

R7A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, And Having Considered The City Administration's Recommendation And The Criteria For Granting Revocable Permits Pursuant To Section 82-94 Of The Miami Beach City Code, Granting An After-The-Fact Revocable Permit To Sterling Building, Inc., As The Applicant And Owner Of The Property Located At 901 Lincoln Road, Miami Beach, Florida, For Two (2) Architectural Entrance Tower Encroachments, Equal To A Total Area Of 3.56 Sq. Ft, On The City-Owned Right-Of-Way On Lincoln Road Mall, Adjacent To Said Property. 10:50 a.m. Public Hearing.

(Public Works)

ACTION: Public Hearing held. Resolution No. 2007-26726 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Voice vote: 7-0. Fred Beckmann to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald - Ad # 461

3:25:42 p.m.

A Resolution To Consider An After-The-Fact Revocable Permit Request By Mr. Carlo Gambino, As Owner Of The Residential Property Located At 5600 La Gorce Drive, To Retain The Eastern Portion Of An In Ground Swimming Pool And At Grade Concrete Pool Deck, Built Within The Rear Platted Five (5') Foot Public Utility Easement Adjacent To The La Gorce Golf Course. 11:00 a.m. Public Hearing

(Public Works) (Continued from September 5, 2007)

ACTION: Public Hearing opened and continued to February 13, 2008 at 11:00 a.m. Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

3:26:10 p.m.

A Resolution Approving, On Second Reading, Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And The Miami Design Preservation League, Inc., For The Lease Of Approximately 2663 Square Feet Of City-Owned Property Located At 1130 Washington Avenue, Miami Beach, Florida (Historic City Hall), For The Purpose Of MDPL's Administrative Offices, An Art Deco Welcome Center, And Educational Center; Said Lease Having An Initial Term Of One (1) Year, Commencing On March 1, 2008, And Ending On February 28, 2009, With An Option To Renew For Two (2) Additional One (1) Year Terms, At The City's Sole Discretion; Further Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements; As Required By Section 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. 11:15 a.m. Second Reading Public Hearing

(Asset Management)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. **2007-26727 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn; Voice vote: 7-0. **Ana Cecilia Velasco to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 465

Prepared by the City Clerk's Office

Page 28 of 38

M:\\$CMB\CITYCLER\AFTERACT\2007\Afteractions\12122007\aa12122007.doc

10:16:46 a.m.

5:25:14 p.m.

R7D A Resolution Considering An Appeal Of A Design Review Board Decision Pertaining To DRB File No. 20427, Located At 2700 Sheridan Avenue, The Scott Rakow Youth Center. <u>5:00 p.m. Second</u> Reading Public Hearing.

(Planning Department)

ACTION: Public Hearing opened and continued to January 16, 2008 at 5:00 p.m. Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

10:19:46 a.m.

Jorge Gonzalez, City Manager, gave notice to the public that this item will be opened and continued to the January 16 Commission meeting. Responding to Commissioner Gross' question he stated the item is being opened and continued because the full transcripts need to be submitted to the Commission and the transcript has not been finalized.

Referral:

Commissioner Gross stated that there is still a lot of discussion regarding the Par-3 golf course, the triangle, and the drainage and requested that these items be referred to a joint meeting of the Finance and Citywide Projects Committee and the Land Use and Development Committee. **Patricia Walker and Jorge Gomez to coordinate a meeting. Fred Beckmann to handle.**

Handout or Reference Materials:

- 1. Ad in The Miami Herald Ad # 469
- 2. Email from Kevin Smith to Robert Parcher dated December 10, 2007 RE: Scott Rakow appeal, Dec 12 City Commission agenda, R7D

10:17:57 a.m.

R7E A Resolution Setting The Dates For The Year 2008 City Commission Meetings. <u>Joint City</u> <u>Commission And Redevelopment Agency.</u>

(City Clerk's Office)

ACTION: Item heard in conjunction with item RDA-2A. Resolution No. 2007-26728 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Libbin; Voice vote: 7-0. Robert Parcher to handle.

Handout or Reference Materials:

1. Email from Jorge Gonzalez to Robert Parcher re: Setting 2008 Commission Meeting dates

3:49:41 p.m.

R7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Local Agency Program (LAP) Agreement With The Florida Department Of Transportation (FDOT), In The Amount Of \$2,181,000 For The Construction Of The Dade Boulevard Bike Path.

(Public Works)

ACTION: Resolution No. 2007-26729 adopted. Motion made by Commissioner Gross; seconded by Commissioner Steinberg; Voice vote: 7-0. Fred Beckmann to handle.

Afteraction December 12, 2007 City of Miami Beach

3:50;26 p.m.

R7G A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Two (2) Local Agency Program (LAP) Agreements With The Florida Department Of Transportation (FDOT), Each In The Amounts Of \$1,000,000 For A Total Of \$2,000,000, For The Construction Of The North Beach Recreational Corridor.

(Public Works)

ACTION: Resolution No. 2007-26730 adopted. Motion made by Commissioner Gross; seconded by Commissioner Steinberg; Voice vote: 7-0. Fred Beckmann to handle.

10:18:56 a.m.

10:22:17 a.m.

R7H A Resolution Approving The Appropriation In The Range Of \$______ (Amount To Be Provided At The Commission Meeting) From 2000 Series Stormwater Bond Funds For The Construction Of Drainage Improvements On Prairie Avenue From Dade Boulevard To 23rd Street.

(Public Works)

(Memorandum & Resolution to be Submitted in Supplemental)

ACTION: Item moved to Consent Agenda – C4E.

Jorge Gonzalez, City Manager, stated that the prices being submitted are higher than anticipated and requested that this item be turned into a Consent Agenda item and refer the discussion to the next Finance and Citywide Projects Committee meeting. See action C4E.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.

(City Clerk's Office)

ACTION:

Beach: Preservation Committee:

Christian Folland (TL 12/08) Term expires 12/31/09 Appointed by Mayor Bower TL12/08
Barbara Herskowitz Term expires 12/31/08 Appointed by Vice-Mayor Libbin TL 12/14
Diego Oramas Term expires 12/31/09 Appointed by Commissioner Wolfson TL12/15

Beautification Committee:

Maria Koller term expires 12/31/08 Appointed by Commissioner Wolfson TL 12/15
Daniel Nixon Term expires 12/31/09 Appointed by Commissioner Weithorn TL12/15
Silvia Rotbart Term expires 12/31/08 Appointed by Mayor Bower TL12/14
Norma Weinstein Term expires 12/31/09 Appointed by Commissioner Gross TL12/15

Budget Advisory Committee:

Marc Gidney Term expires 12/31/08 Appointed by Commissioner Weithorn TL12/14
Dana Kaufman Term expires 12/31/08 Appointed by Commissioner Tobin TL12/15
Dushan Koller Term expires 12/31/09 Appointed by Commissioner Wolfson TL 12/15

Afteraction December 12, 2007 City of Miami Beach

Committee on the Homeless:

Dale Gratz Term expires 12/31/09 Appointed by Mayor Bower TL12/14

Juan Rojas Term expires 12/31/09 Appointed by Commissioner Gross TL12/09
Rabbi Y. Kliel Rose Term expires 12/31/08 Appointed by Commissioner Góngora TL1214
Lisa Ware Term expires 12/31/08 Appointed by Commissioner Wolfson TL12/13

Committee for Quality Education in MB:

Lori Gold Term expires 12/31/08 Appointed by Mayor Bower TL12/14
Kay Coulter Term expires 12/31/09 Appointed by Vice-Mayor Libbin TL 12/13

Formerly Kay Pisano

Bessie Santiago Term expires 12/31/09 Appointed by Commissioner Wolfson TL12/15

Community Development Advisory Committee:

Eric Lawrence Term expires 12/31/09 Appointed by Commissioner Gross TL12/15

Community Relations Board:

Brad Fleet Term expires 12/31/09 Appointed by Commissioner Weithorn TL12/13 Elizabeth Schwartz Term expires 12/31/09 Appointed by Commissioner Wolfson TL12/14

Convention Center Advisory Board

Debra Scholl Term expires 12/31/08 Appointed by Commissioner Gross TL12/15

Debarment Committee:

Antonio Hernandez term expires 12/31/08 Appointed by Commissioner Tobin TL12/15
David Wieder Term expires 12/31/09 Appointed by Vice-Mayor Libbin TL12/09

Fine Arts Board:

Tiva Leser Term expires 12/31/09 Appointed by Commissioner Wolfson TL12/15 Elaine Roden Term expires 12/31/09 Appointed by Commissioner Gross TL12/13

Golf Advisory Committee:

Jeff Blumenthal Term expires 12/31/08 Appointed by Commissioner Weithorn TL12/15 Appointed by Commissioner Wolfson TL12/15 Appointed by Commissioner Wolfson TL12/15

Ex-officio member

Green Committee Ad-Hoc:

Nick Gunia Term expires 05/31/08 Appointed by Commissioner Gross

Saul Gross

Debra Leibowitz Term expires 05/31/08 Appointed by Commissioner Weithorn

Mitch Novick Term expires 05/31/08 Appointed by Mayor Bower

Hispanic Affairs Committee:

Alvaro Reyes Term expires 12/31/08 Appointed by Commissioner Wolfson TL12/15

Loan Review Committee:

Desire Kane Term expires 12/31/09 Appointed by Commissioner Tobin TL12/15
Michael Rotbart Tem expires 12/31/09 Appointed by Commissioner Weithorn TL12/13

Marine Authority:

Joel Alberbach Term expires 12/31/09 Appointed by Mayor Bower TL12/11

Eric Goldman Term expires 12/31/08 Appointed by Commissioner Weithorn TL 12/15 Christopher Todd Term expires 12/31/09 Appointed by Commissioner Gross TL12/14

Prepared by the City Clerk's Office Page 31 of 38 M:\\$CMB\CITYCLER\AFTERACT\2007\Afteractions\12122007\aa12122007.doc

Afteraction December 12, 2007 City of Miami Beach

Miami Beach Commission for Women:

Terry Blechman Term expires 12/31/09
Monica Harvey Term expires 12/31/08
Jane Hayes Term expires 12/31/09
Appointed by Commissioner Weithorn TL12/13
Appointed by Commissioner Wolfson TL12/13
Appointed by Vice-Mayor Libbin TL 12/13
Appointed by Commissioner Tobin TL12/13
Appointed by Commissioner Wolfson TL12/13
Appointed by Commissioner Wolfson TL12/13

Ida Percal Term expires 12/31/08 (TL12/08) Appointed by Mayor Bower TL12/08

Robyn Ragone Term expires 12/31/08

Appointed by Commissioner Wolfson TL12/15

Appointed by Commissioner TobinTL12/15

Appointed by Commissioner TobinTL12/15

Appointed by Mayor Bower TL12/13

Dona Zemo Term expires 12/31/09 Appointed by Commissioner Gross TL12/09

Parks and Recreational Facilities Board:

Harriet Halpryn Term expires 12/31/08 Appointed by Commissioner Wolfson TL12/15 Meryl Wolfson Term expires 12/31/09 Appointed by Commissioner Gross TL 12/13

Police Citizens Relations Committee:

Faye Goldin Term expires 12/31/09 Appointed by Mayor Bower TL12/10

Leonor Hernandez Term expires 12/31/09 Appointed by Commissioner Wolfson TL12/15

Steven Rothstein City Attorney Designee

Paul Segelman Term expires 12/31/08 Appointed by Commissioner Wolfson TL12/15

Carl Zablotny Term expires 12/31/09 Appointed by Mayor Bower TL12/09

Production Industry Council:

Sheila Duffy-Lehrman TV/Film Term expires 12/31/09 Appointed by Commissioner Wolfson TL12/09 Cristina LaBuzetta Production Term expires 12/31/08 Appointed by Mayor Bower TL12/11

Nick Manning Production Term expires 12/31/09 Appointed by Mayor Bower 12/2/11

Nick Manning Production Term expires 12/31/09 Appointed by Commissioner Weithorn

TL12/15

Public Safety Advisory Committee:

Lily Furst Term expires 12/31/08 Appointed by Commissioner Wolfson TL12/15
Dr. Baruch Jacobs Term expires 12/31/08 Appointed by Commissioner Tobin TL12/11
Scott Robbins Term expires 12/31/08 Appointed by Commissioner Gross TL12/12

Safety Committee:

Mitchell Korus Term expires 12/31/09 Appointed by Commissioner Gross TL12/09

Abe Lavender Term expires 12/31/09 Appointed by Mayor Bower TL12/11
Jerry Marsch Term expires 12/31/08 Appointed by Mayor Bower TL12/13

Antonio Purriños (TL12/08) Term expires 12/31/09 Appointed by Commissioner Wolfson TL12/08

Transportation and Parking Committee:

Scott Diffenderfer Term expires 12/31/09 Appointed by Commissioner Wolfson TI12/15

Joseph Fisher Term expires 12/31/09 Appointed by Commissioner Gross TL12/13

J.P. Morgan Term expires 12/31/08 Appointed by Commissioner Weithorn TL12/14

Mark Weithorn Representative to from the NBDC Term expires 12/31/2009

Youth Center Advisory Board:

Moni Cohen Term expires 12/31/09 **(TL12/08)**Jeff Gordon Term expires 12/31/09
Appointed by Vice-Mayor Libbin TL12/08
Appointed by Commissioner Wolfson TL12/11
Appointed by Commissioner Tobin TL12/14

Prepared by the City Clerk's Office Page 32 of 38
M:\\$CMB\CITYCLER\AFTERACT\2007\Afteractions\12122007\aa12122007.doc

R9A1 Board And Committee Appointments - City Commission Appointments. (City Clerk's Office)

ACTION: No action taken.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION: No speakers.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION:

1. Gabrielle Redfern urged the City Commission to put the picture of Jackie Gleason back in the lobby of the Jackie Gleason Theatre where it belongs.

3:51:12 p.m.

R9C Discussion Regarding A Resolution Recognizing The Freedom Tower In Miami, Florida As A Valuable Local And National Historic Resource Of Great Importance Due To Its Role In The Immigration Of Hundreds Of Thousands Of Cuban Exiles To South Florida And Urging Its Designation As A National Historic Landmark.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Discussion Held. Resolution No. 2007-26710 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Voice vote: 7-0. **R. Parcher to transmit to the Miami Dade League of Cities.**

2:45:04 p.m.

Piscussion Regarding A Resolution Opting Not To Exercise The Renewal Term Under The City's Agreement With Standard Parking, Inc., Dated December 8, 2004, For Parking Companies/Operators To Supply Parking Cashiers/Attendants And Supervisors For The City Of Miami Beach Parking System; And, In The Alternative, Authorizing The Administration To Issue A New Request For Proposals (RFP) For Parking Cashiers/Attendants And Supervisors For The City's Parking System; And Further Authorizing A Month To Month Extension Of The City's Current Contract With Standard Parking, Inc., Following Expiration Of The Initial Term Of The Agreement On January 3, 2008, Upon The Same Terms And Conditions, Until Such Time As The RFP Process Has Concluded And The Mayor And City Commission Have Approved And Authorized The Execution Of A New Agreement For Provision Of The Aforestated Services.

(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held. Resolution No. 2007-26731 adopted as amended. Motion made by Commissioner Wolfson to approve the resolution; seconded by Commissioner Tobin; Voice vote: 7-0. **Gus Lopez to issue an RFP. Saul Frances to handle.**

Amendment:

ACTION: Motion made by Commissioner Steinberg to impose the Cone of Silence effective now; seconded by Commissioner Weithorn; Voice vote 7-0.

ACTION: The issue of campaign financing should be referred to the Neighborhoods/Community Affairs Committee. Vivian Guzman to place on the committee agenda. **Legal Department to handle.**

End

Commissioner Wolfson stated that in the spirit of competition, this contract should be placed out for competitive bidding since this is the best way for government to get competitive prices for quality work. He requested that authorization be given to the Administration to issue an RFP.

Earnest Davenport, Marlin Realty Inc., representing Parking Company of America, spoke.

Motion made by Commissioner Wolfson to approve the resolution included on the agenda which is a month to month approval; seconded by Commissioner Tobin.

Discussion continued.

Jorge Gonzalez, City Manager, stated that the moment this resolution passes the cone of silence on this issue is in effect.

Vice-Mayor Libbin stated that other items on the Consent Agenda were approved for referral so for the sake of consistency this item should also go to committee. He does not see any harm on discussing the issues and then decide if it should go for bids. He stated that there needs to be consistency.

Commissioner Gross explained that on the normal course of business these items will go to Finance and Citywide Projects Committee. He added that the purpose of the vendor ordinance is so that people who get contracts from the city cannot contribute to campaigns for a year and there are other rules to separate the awarding of contracts and the politics of campaigning. In this election one individual pushed the envelope by being actively involved in campaigning to a far greater extent than what he is comfortable with under the vendor ordinance. He spoke to the Legal Department on this issue since everyone has a constitutional right to volunteer their time campaigning but there has to be intensity or an amount or a test to make that separation more meaningful. He explained that what the individual did maybe perfectly legal but it violates, in his opinion, what the vendor ordinance is all about. He asked for a way to strengthen the vendor ordinance so people will not exceed themselves when volunteering their time.

Jose Smith, City Attorney, stated that the vendor ordinance prohibits campaigning contribution from vendors and it defines contributions as per the definition in Florida Status 106. This statute excludes somebody volunteering their services. He is not prepared at this meeting to provide suggestions, but the Legal Department has been researching this issue.

Jean Olin, First Deputy City Attorney, stated that the same way the City Commission has designated the four categories of individuals that are prohibited from making campaign contributions, in making that record the City Commission set forth the compelling governmental interest which is that the making of campaign contribution by this group of individuals presents a threat to the process. The Supreme Court has stated that the threat does not have to be actual and the appearance is considered a threat to the process. If a record can be made that not only the making of contributions by individuals in these categories but also the volunteering of services in political campaigns by these individuals poses such a threat, the ordinance could be amended. She explained that by expanding it there is a greater risk that the ordinance could be challenged.

Commissioner Steinberg stated that campaign contributions should be prohibited on all the categories, since volunteering of time can be of value to the candidate. **Legal Department to handle.**

Jean Olin, Deputy City Attorney, explained that if this legislation passes it will not have a retroactive effect on any activities that may have occurred on the past elections.

Commissioner Gross stated that he is not looking to do that since this person was doing what he was permitted to do under the law. He explained that by no means is he suggesting that this individual did anything unlawful; all he is saying is that he believes that the kind of intensive activities he engaged during political campaign violates the spirit of the law, if not the letter of the law, and it should be changed.

Commissioner Weithorn stated that this should be approached as a whole under the issue of transparency in government.

Gus Lopez, Procurement Director stated that Parking Company of America was not one of the four bidders for this contract.

Saul Frances, Parking Director, spoke.

Jose Smith, City Attorney, stated that we need to state on the record the Cone of Silence.

Jean Olin, Deputy City Attorney, asked to what committee the amendments to the campaign finance will be referred to.

Discussion continued.

The issue of campaign financing should be referred to the Neighborhood/Community Affairs Committee. Vivian Guzman to place on the committee agenda. Legal Department to handle.

Jorge Gonzalez, City Manager, stated that the Cone of Silence is in effect since the resolution was passed.

Raul Aguila, First Assistant Cit Attorney, corrected that the Cone of Silence takes effect when the RFP is advertised.

Jorge Gonzalez, City Manager, stated that the City Commission can voluntarily impose the Cone of Silence now.

Motion made by Commissioner Steinberg to impose the Cone of Silence effective now; seconded by Commissioner Weithorn; Voice vote 7-0.

Jorge Gonzalez, City Manager, clarified that the Cone of Silence applies to the Administration also.

Handout or Reference Materials

1. Fax from Count Chodkiewicz to Mayor Bower dated December 10, 2007

10:45:56 a.m.

R9E Report On The Recent Miami Beach Delegation Trip To Shanghai. (Requested by Vice-Mayor Jerry Libbin)

ACTION: Verbal report given by Vice-Mayor Libbin.

Vice-Mayor Libbin called forward the members of the delegation to Shanghai present at the meeting and also read their names: Dr. Raquel Libbin, Lois Benson, Sara Hernandez, Robert Hernandez, Wendy Kallergis, Karen Leonard, Grisette Marcos, Pablo Marcos, Dr. Randy Miller, Jiyon Ko, Dr. Corey Narson, George Neary, Dustin Robert Budish, Sébastien Gingras, Sun Ho Kim, Yuki Lee Numata, Raymond Michael Santos and Adam Zeichner. He stated that this was a follow up trip to the successful trip to Beijing last year in a continuous effort to build cultural relations with cities in China. He asked Wendy Kallergis, George Neary and Grisette Marcos to make a few remarks on the successes of this trip.

Wendy Kallergies from the Miami Beach Chamber of Commerce stated that she was very impressed with the number of Chinese people that attended Art Basel. She explained that the meeting with the International Deputy Director of the Shanghai World Expo 2010 was very successful. They are anticipating 75 million people to visit Shanghai from May to October with 180 counties already signed up. She hopes that Miami and Miami Beach will be there. She also met the CEO of the International Chamber of Commerce and the World Trade Center Association and the Miami Beach Chamber of Commerce will be entering into a partnership with them. She added that in Shanghai they know Mango's and Nikki Beach.

Grisette Marcos, Executive Director, Miami Beach Visitors and Convention Authority (VCA), stated that they were shown the Art Deco District in Shanghai; they were also successful in obtaining a \$13,000 sponsorship for a book highlighting the Art Deco districts in Shanghai and Miami Beach written by Don Worth. She added that yesterday the United States and China signed an agreement that will allow US destinations to market directly to the Chinese public and that is a great step in promoting the tourism in the coming years.

George Neary, Associate Vice-President of Cultural Tourism, stated that he cannot stress enough the relationship between the architecture in Shanghai and the architecture in Miami Beach; they have a wonderful relationship and the buildings are in conversation with each other. They had a meeting with the Shanghai Museum and there was dialogue and perhaps between the Bass and the Shanghai Museum something could develop. He expressed that tourism is an important part of this whole package and he thanked Vice-Mayor Libbin for organizing this trip and for having the opportunity of introducing Miami Beach to millions of people.

Vice-Mayor Libbin stated that Adam Zeichner represented the management of the New World Symphony and brought a quintet of musicians to perform in a very prestigious Night Annual International Festival.

Adam Zeichner, New World Symphony representative, stated that it was an honor to bring five of their best musicians to Shanghai, and everyone was extremely impressed with their visit and performance and are looking forward to visiting Miami Beach. He stated that everyone at the Symphony is extremely proud to be part of this delegation and they are always there to help the City in any way they can to help bring tourism and to show what this City has to offer.

Vice-Mayor Libbin thanked all the members that participated in the delegation and came to the meeting this morning.

Reports and Informational Items

A City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report - September 2007.

(Parking Department)

ACTION: Written report submitted.

B1 Parking Status Report – October 2007.

(Parking Department)

ACTION: Written report submitted.

C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.

(Capital Improvement Projects)

ACTION: Written report submitted.

D Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Procurement)

ACTION: Written report submitted.

- E Non-City Entities Represented By City Commission:
 - Minutes From The Metropolitan Planning Organization (MPO) Governing Board Meeting On October 4, 2007 And Agenda For The November 8, 2007 MPO Governing Board Meeting. (Requested by Commissioner Richard L. Steinberg)

ACTION: Written report submitted.

2. Minutes From The Miami-Dade County League Of Cities Board Meeting On September 6, 2007.

(Requested by Mayor Matti H. Bower & Commissioner Richard L. Steinberg)

ACTION: Written report submitted.

End of Regular Agenda

Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive December 12, 2007

Chairperson of the Board Matti H. Bower Member of the Board Saul Gross Member of the Board Jerry Libbin Member of the Board Richard L. Steinberg Member of the Board Edward L. Tobin Member of the Board Deede Weithorn Member of the Board Jonah Wolfson

Executive Director Jorge M. Gonzalez Assistant Director Tim Hemstreet General Counsel Jose Smith Secretary Robert E. Parcher

AGENDA

OLD BUSINESS

A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of September 2007.

(Finance Department)

ACTION: Written report submitted.

B Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of October 2007.

(Finance Department)

ACTION: Written report submitted.

2. NEW BUSINESS

A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency (RDA), Setting The Dates For The Year 2008 Redevelopment Agency Meetings. <u>Joint City</u> <u>Commission And Redevelopment Agency.</u>

ACTION: Heard in conjunction with item R7E. Resolution No. 555-2007 adopted. Motion made by Member Steinberg; seconded by Member Libbin; Voice vote: 7-0. R. Parcher to handle.

Handout or Reference Materials:

1. Email from Jorge Gonzalez to Robert Parcher re: Setting 2008 Commission Meeting dates (R7E)

End of RDA Agenda

Meeting adjourned at 7:07:53 p.m.